



PATENT

In the Drawings:

Applicants submit herewith replacement drawing sheet numbers 4/8, 7/8 and 8/8 that correct various informalities in FIGS. 4-1, 6 and 8.

REMARKS

Claims 1-15 are currently pending in this application. Applicants have withdrawn claims 16-20 from consideration without prejudice in response to a restriction requirement. Reconsideration is respectfully requested in light of the above amendments and the following remarks.

The Examiner refused to consider on the merits the last reference of sheet 3 of 3 of the information disclosure statement filed 29 September 2003 because the reference did not include a date. Applicants submit herewith a supplemental information disclosure statement in compliance with MPEP section 609 and respectfully request consideration of the information referred to therein.

The Examiner objected to the drawings for various informalities. Applicants submit herewith amended drawings sheet numbers 4/8, 7/8 and 8/8 which address the informalities and respectfully request that this objection be withdrawn.

The Examiner objected to the specification for various informalities. Applicants have amended the specification to address the informalities and respectfully requests that this objection be withdrawn.

The Examiner rejected claims 1-15 under 35 U.S.C. §112, second paragraph as being indefinite. Applicants have amended the claims to more clearly claim the inventive subject matter and respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,442,425 to Alt. Applicants respectfully traverse this rejection.

Applicants' claimed invention as recited in independent claims 1 and 12 is directed to an implantable cardiac stimulation device that provides therapeutic electrical stimulation to the heart of a patient. For example, independent claim 1 recites a device comprised in part by a processor operative to evaluate frequencies of left and right atrial signals and, if one of the left and right signals has a higher frequency, the processor determines the atrium with the higher frequency to be a source of atrial flutter.

(Underlining added for emphasis only). Applicants respectfully submit that Alt does not disclose or suggest the recited claim elements.

Rather, the system of Alt analyzes ventricular and atrial events to discriminate between ongoing ventricular tachycardias which are ventricular in origin and ventricular tachycardias which result from atrial fibrillation or atrial flutter with fast conduction

through the atrioventricular (AV) node which drive the ventricles at an abnormal rate and which can result in the delivery of a false defibrillation shock. (Alt, col. 1, lines 37-40, and col. 2, line 64 - col.3, line 4). For example, Alt teaches that a principal aim is to provide an implantable defibrillator that monitors the atrial status as well as the ventricular status, to discriminate arrhythmias of atrial origin from arrhythmias of ventricular origin ... to eliminate or at least substantially lessen the likelihood of false shocking. (Alt, col. 1, line 64 – col. 2, line 4).

Alt does not therefore disclose or in any way suggest a processor operative to evaluate frequencies of left and right atrial signals and, if one of the left and right signals has a higher frequency, the processor determines the atrium with the higher frequency to be the source of atrial flutter as recited in claims 1 and 12 of the present invention. Accordingly, Applicants respectfully submits that claims 1 and 12 are novel and nonobvious over Alt and are allowable. Applicants further submit that claims 2-11 and claims 13-15 that depend from claims 1 and 12 respectively are allowable as are claims 1 and 12 and for additional limitations recited therein.


The Examiner rejected claims 4, 7 and 9 -5 under 35 U.S.C. §103(a) as being unpatentable over Alt in view of U.S. Patent 5,584,867 to Limousin et al. Applicants respectfully traverse this rejection.

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In view of the foregoing analysis of independent claim 1 in view of Alt, Applicant believes that the rejection of dependent claims 4, 7 and 9 under §103 is rendered moot as claims 4, 7 and 9 depend from allowable independent claim 1. In light of the above remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date


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